

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JESUS TOLEDO,

Petitioner,

v.

ED BANKS, Warden,

Respondent.

CASE NO. 2:09-cv-614

JUDGE FROST

MAGISTRATE JUDGE KEMP

OPINION AND ORDER

On June 25, 2010, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus be dismissed without prejudice as unexhausted. Doc. No. 25. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

_____/s/ Gregory L. Frost_____
GREGORY L. FROST
United States District Judge